

1 BILL NO. G-80-05-13 (AS AMENDED) *(as amended)* *(as amended)*

2 GENERAL ORDINANCE NO. ~~G-80~~ 12-80

4 AN ORDINANCE amending Chapter 33 of the
5 Code of the City of Fort Wayne, Indiana,
6 1974.

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. Section 33-9 of the Code of the City of Fort Wayne,
10 Indiana, 1974, be amended to read as follows: Section 33-9. Establishment
11 and Designation. For the purpose of this chapter the City is hereby divided
12 and classified into eighteen (18) districts designated as follows:

13 Designation, R1, One Family Residence District

14 Designation, R2, Two Family Residence District

15 Designation, R3, Multiple Family Residence District

16 Designation, RA, Residence District A

17 Designation, RB, Residence District B

18 Designation, B1A, Limited Business District

19 Designation, B1B, Limited Business District

20 Designation, B2, Planned Shopping Center

21 Designation, B3A, General Business District A

22 Designation, B3B, General Business District B

23 Designation, B4, Roadside Business District

24 Designation, M1, Light Industrial District

25 Designation, M2, General Industrial District

26 Designation, M3, Heavy Industrial District

27 Designation, IA, Interchange Access Center District

28 Designation, MHP, Mobile Home Park

29 Historical District

30 Flood Plain District

31 The above districts and their respective boundaries are hereby established
32 as shown by the symbols on the map entitled, "City of Fort Wayne Zoning

Map", dated September 16, 1969, which is on file in the Office of the Plan Commission which map and all explanatory matter thereon by reference is incorporated herein and made a part hereof.

SECTION 2. Section 33-14 of the Code of the City of Fort Wayne, Indiana, 1974, be amended by deleting the existing Section 33-14 F in its entirety and inserting a new Section 33-14 F as follows:

F. B-2 District - Planned Shopping Center

(1) Application

This ordinance shall apply to all existing Regional and Neighborhood Shopping Centers and all future B2A (Neighborhood Shopping Center), B2B (Community Shopping Center), and B2C (Metropolitan Shopping Center), B2D (Regional Shopping Center)

(2) Purpose

The B-2 (Planned Shopping) District is established in order to encourage the provision of adequate commercial facilities at an appropriate location and of an appropriate design, scale and intensity which will create a harmonious and functional relationship with the immediate surroundings and community. In reviewing the proposed B-2 District the Commission will consider the nature of the proposed use, the total size of the proposed project and the composition of all existing development and zoning in the vicinity of the proposed B-2 District. Traffic generation, both pedestrian and vehicular, and its impact on surrounding streets and highways will also be of major importance in the Commission's review process. Each proposed shopping center as well as expansion of existing centers will be evaluated in accordance with the goals and objectives of the Comprehensive Plan. The B-2 District is not intended to be utilized by a single business or use, but rather should be a harmonious arrangement of different establishments or businesses that will serve the community.

(3) Sub-Districts and Permitted Uses

a. Prior to tracts of real estate being developed as Planned Shopping Centers, the subject real estate shall be rezoned to a specific B-2 Sub-District and be subject to the requirements of that sub-district.

b. B-2A (Neighborhood Shopping Center)

(i) The neighborhood shopping center shall be designated with the intent of serving the surrounding residential neighborhoods by providing goods and services that meet day-to-day needs. Tenants typically found within this center include grocery and drug stores. A major tenant space shall not exceed a maximum of 30,000 square feet of gross floor area and no more than two major tenants shall be permitted; no single tenant space other than those permitted above shall exceed 20,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area; provided however, no B2A shopping center shall exceed 109,000 square feet of gross floor area of enclosed space regardless of overall site size.

(ii) Permitted uses shall include all B1A and B1B uses except residences, hotels, motels, private clubs or

lodges, telephone exchanges, electrical substations, animal hospitals, kennels, taverns and bars, masseur salons, automobile washing stations, bowling alleys, billiard or pool hall.

c. B-2B (Community Shopping Center)

(i) The community shopping center, in addition to serving the function of a neighborhood shopping center, may provide access to a greater variety of merchandise and services. Tenants within this center are similar in character to those stores found within a neighborhood center.

(ii) A major tenant space shall not exceed a maximum of 60,000 square feet of gross floor area and not more than one major tenant shall be permitted; however, in lieu of this requirement there may be two major tenants permitted with a limit per tenant not to exceed 45,000 square feet of gross floor area. No single tenant space other than those permitted above shall exceed 40,000 square feet gross floor area. Building coverage shall not exceed 25% of the net site area; provided however, no B-2B shopping center shall exceed 218,000 square feet of gross floor area of enclosed space regardless of overall site size.

(iii) Permitted uses include all B-2A uses and B-1A and B-1B uses.

d. B-2C (Metropolitan Shopping Center)

(i) The Metropolitan Shopping Center is intended to serve a community of neighborhoods. Tenants are intended to be retail and service oriented establishments; such as department store, specialty store, discount store and variety store.

(ii) The major tenant space shall not exceed a maximum of 90,000 square feet gross floor area and not more than two major tenants shall be permitted; no single tenant space other than those permitted above shall exceed 60,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area provided, however, no B-2C shopping center shall exceed 327,000 square feet of gross floor area of enclosed space regardless of overall site size.

(iii) Permitted uses include all B-2B uses and additionally hotels, motels, private lodges or clubs.

e. B-2D (Regional Shopping Center)

(i) The regional shopping center provides complete comparison and competitive shopping. The center's drawing power stems from a wide variety of retail goods and services as well as a number of large traffic generators including one or more department stores. Tenant space size is unlimited as well as the number of tenants allowed. Building coverage shall not exceed 25% of the net site area, although overall site size is not limited.

(ii) Permitted uses include all B-2C uses and additionally bowling alleys, and arcades.

(3) Exceptions to Subdistrict Requirements

a. The Plan Commission, to enhance a degree of flexibility in shopping center development, may grant requests for exceptions to the subdistrict requirements as set forth in Section 33-14, F, (3); provided however, the Commission may not waive the 25% maximum site coverage by buildings or the maximum gross floor area of enclosed space for the entire center as set forth for each subdistrict. Exceptions may only be granted after the request has been reviewed at a public hearing, which hearing may be held in conjunction with a request for development plan approval, and if the Commission finds that:

(i) The intent and spirit of the requirements of this ordinance, as they relate to the zoning subdistrict are met; and,

(ii) The exception is not contrary to the public interest; and

(iii) The intent of the Fort Wayne Comprehensive Plan as it relates to commercial policies, is met.

(4) Submission Procedures and Requirements

a. The reclassification of real estate to a B-2 Shopping Center designation shall be processed in the same manner as any other petition for rezoning, except that the following additional data must be submitted by the petitioner as part of the petition for rezoning. The City Plan Commission staff shall use this information, in part, to prepare written comments for consideration by the Commission.

(i) A generalized sketch plan of the site;

(ii) A traffic survey of adjacent streets and highways including existing traffic counts and the anticipated additional traffic generation created as a result of the proposed development;

~~and a map of the site showing the proposed development, including existing and proposed population, physical growth patterns, and financial impact.~~

(5) Prior to the issuance of an Improvement Location Permit for a B-2 shopping center, the Plan Commission shall have approved a preliminary and final development plan. The submission requirements and the procedures required to obtain development plan approval are set forth in the following sections of this ordinance.

(6) Development Plan Procedure

a. Prior to the issuance of an Improvement Location Permit for any B-2 District, a development plan is required. The Commission shall have approved a preliminary and final development plan in accordance with this ordinance and the City of Fort Wayne Comprehensive Plan. A preliminary and final development plan may be scheduled for the same public hearing; however, all submission requirements for each respective plan must be met. A petition for rezoning of a parcel of real estate and a preliminary development plan for the same real estate may be reviewed at the same public hearing, however, a final development plan requires a separate public hearing.

b. Pre-application Discussion

(i) A pre-application discussion between staff and developer is recommended at least fifteen (15) days prior to formal application for development plan approval.

c. The purpose of the pre-application discussion is as follows:

(i) To acquaint the applicant with the standards and requirements of all applicable Ordinances;

(ii) To review the intent of the various procedures and submission requirements;

(iii) To familiarize the applicant with any inherent limiting characteristic of the specific site or surrounding areas;

(iv) To reduce the time period between initial application and Commission approval.

(7) Application

a. The application, submitted on Plan Commission form, shall be for preliminary approval of an entire tract or a final approval for all or a portion of a site previously approved in preliminary form.

b. Said application shall be accompanied by:

(i) A tracing on reproducible copy of the development plan;

(ii) 10 copies of the development plan and legal description.

(8) Development Plan Submission Requirements

a. Preliminary and/or final development plans shall be submitted and accompanied by an application on forms prescribed by the Plan Commission, complete with the signature of 100% of the owners of record of the tract involved, and shall have been prepared in accordance with the provisions of this Ordinance as well as the recommendations of the pre-application discussion. After approval of the Preliminary Development Plan is granted by the Commission, any amendments thereto made prior to Final Development Plan approval by the Commission shall be shown on a form prescribed by the Commission and shall contain the signature of the original developers (or successors to the original developers) and need not contain signatures of all real property owners within the development. After Final Development Plan approval is granted by the Commission, then any further amendments thereto shall be shown on a form prescribed by the Commission and shall contain the signatures of all owners of record of the real estate contained in the development.

b. If the Commission finds that the development does not comply with the requirements of this Chapter, and is not susceptible of alteration, change or amendment to meet such requirements, the Commission will disapprove same.

c. Within one (1) year after approval of the preliminary plan developer shall file final plan, which shall be acted upon by the Commission within sixty (60) days after filing.

(9) Site Plan Requirements - Preliminary

The preliminary site plan shall include the following information:

- a. Date, scale, north point, name and address of designer and/or engineer, name and address of developer, and proposed name of the development;
- b. Number and type of structures, parcel size, proposed lot coverage of buildings and structures;
- c. A legal description of the total site as well as dimensions of the boundaries of the tract, including bearings and distances, measured from a section corner.
- d. The existing site conditions including contours at 2' intervals, water courses and drainageways, flood plain elevations, wooded areas, and other unique natural features;
- e. The location, minimum size and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open space;
- f. The existing and proposed vehicular circulation system, including right-of-ways widths and driving surface widths of streets, off-street parking areas, services areas, loading areas, street names, intersection radii, street dedications, and points of access to public right-of-way, where applicable;
- g. The existing and proposed pedestrian circulation system, including links with the public transit system;
- h. The proposed treatment of the perimeter of the site; including materials and techniques to be used such as screens, fences, walls, and landscaping;
- i. Proposed lighting (controls and lumens).

The above information must be submitted for all of the Site included in the application. Applications can be reviewed only for those areas for which all required submission data has been presented.

(10) Site Plan Requirements - Final

- a. The final development plan shall be submitted to the Commission in the form of an original mylar or similar material drawn in ink and shall be a complete and accurate layout of the project and shall contain all additions, corrections, and deletions required by the Commission and shall include the following:
 - (i) Date, scale (graphic and written), north point, name and address of the designer and/or engineer, name and address of the developer of the tract, name of development;
 - (ii) Dimensions of the boundaries of the tract including bearings and distances and the exact location of all existing and recorded streets intersecting the boundary of the tract;

- (iii) Section or reserve line or other legal points of reference and distances to same;
- (iv) Building lines, lot lines, easement locations and dimensions;
- (v) Streets-plans, profiles, cross-sections and names, location and geometrics for entrance onto public right-of-way including acceleration-deceleration and passing lanes, dedication documents when applicable;
- (vi) Pedestrian walkways-plans and cross-sections;
- (vii) Easements such as pedestrian, utility, drainage, etc.;
- (viii) Sanitary, Storm Sewer and Water Lines - plans and profiles, water line plans; Storm Drainage Plans;
- (ix) Parking area - plans, cross-sections, and landscaping details;
- (x) The length of all arcs and radii, central angles, internal angles, points of curvature and tangency, the length of all tangents, intersection radii and right-of-way widths;
- (xi) Lighting plan including areas to be lighted, the type of fixtures to be used, and the lighting intensity level for all areas to be lighted, when required;
- (xii) Landscape plans including the location of all landscape materials and elements. This requirement is waived in those areas used for single family residential purposes;
- (xiii) Other technical or statistical data which may be reasonably required by the Plan Commission;

b. Letters of comment from the following:

- (i) City Street Engineering
- (ii) City Water Pollution Control Engineering
- (iii) City Water Engineering
- (iv) City Street Light Engineering
- (v) City Traffic Engineering
- (vi) City Fire Department
- (vii) City/County Board of Health - where applicable
- (viii) City Inspection Division
- (ix) County Surveyor
- (x) Public Transportation Corporation

(11) Issuance of Permits

The Zoning Enforcement Officer shall issue an Improvement Location Permit for a shopping center as herein defined only following receipt of notice from the Plan Commission that the final development plan has been approved by the Plan Commission.

(12) Construction of Improvement under permit:

Revocation of Permit: Any person to whom is issued an Improvement Location Permit pursuant to Subsection (4) above, who fails to commence construction of the shopping center within thirty-six (36) months after such permit is issued or who fails to carry to completion thirty (30) percent of the total buildings as authorized by said permit within four (4) years after said permit is issued, or within two (2) years after such construction is begun whichever is later, or has not completed at least sixty (60) percent of the total buildings within six (6) years, shall be subject to the following:

a. If after public hearing the Commission finds that work has not been commenced or completed on the shopping center as required by the foregoing paragraph the Improvement Location Permit shall be revoked by the Commission; provided however, if at this public hearing or at subsequent public hearings, the Commission finds that there is sufficient justification for the failure to commence or complete this work, the Commission at each such hearing may extend the time allowed for such commencement or completion for periods not to exceed six (6) months.

b. If the plan is not completed as required by this Subsection, failure to complete said plan shall be considered a breach of the zoning laws and subject to the penalty called for in Chapter 33, Section 25 A - B - C.

c. The Commission, may after investigation, seek to enjoin the operation of said shopping center if a substantial compliance with said plan has not been achieved in the time limit as herein set forth.

(13) Permits:

a. Amendments to Development Plan:

(i) The holder of a shopping center district Improvement Location Permit may apply to the Commission at any time for an alteration, change amendment or extension of the development plan upon which such permit is based.

(ii) If an application shows that additional land is to be improved or used in connection with such shopping center permit, then the Commission shall proceed as in the case of original application for a shopping center Improvement Location Permit.

(iii) If no additional land is embraced in the application for alteration, change, amendment or extension, then the Commission shall be empowered to pass on such matters without requiring a public hearing thereon.

(iv) In the event the Commission shall approve and order such development plan changed, altered, amended or extended, it shall so notify the Zoning Enforcement Officer, and he/she shall issue an amended Improvement Location Permit accordingly.

SECTION 3. If any section, clause, sentence part or paragraph of this Ordinance shall be declared invalid, it shall not affect the legality of the remainder or other parts of this Ordinance.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Councilmember

APPROVED AS TO FORM AND
LEGALITY

John E. Hoffman
City Attorney

1 BILL NO. G-80-⁰⁵⁻¹³~~04~~

2 GENERAL ORDINANCE NO. G-80-_____

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(3) Sub-Districts and Permitted Uses

a. Prior to tracts of real estate being developed as Planned Shopping Centers, the subject real estate shall be rezoned to a specific B-2 Sub-District and be subject to the requirements of that sub-district.

b. B-2A (Neighborhood Shopping Center)

(i) The neighborhood shopping center shall be designated with the intent of serving the surrounding residential neighborhoods by providing goods and services that meet day-to-day needs. Tenants typically found within this center include grocery and drug stores. A major tenant space shall not exceed a maximum of 30,000 square feet of gross floor area and no more than two major tenants shall be permitted; no single tenant space other than those permitted above shall exceed 20,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area; provided however, no B2A shopping center shall exceed 109,000 square feet of gross floor area of enclosed space regardless of overall site size.

(ii) Permitted uses shall include all B1A and B1B uses except residences, hotels, motels, private clubs or

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c. B-2B (Community Shopping Center)

(i) The community shopping center, in addition to serving the function of a neighborhood shopping center, may provide access to a greater variety of merchandise and services. Tenants within this center are similar in character to those stores found within a neighborhood center. Typical tenants include grocery, drug and/or variety stores.

(ii) A major tenant space shall not exceed a maximum of 60,000 square feet of gross floor area and not more than one major tenant shall be permitted; however, in lieu of this requirement there may be two major tenants permitted with a limit per tenant not to exceed 45,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area; provided however, no B-2B shopping center shall exceed 218,000 square feet of gross floor area of enclosed space regardless of overall site size.

(iii) Permitted uses include all B-2A uses and B-1A and B-1B uses.

d. B-2C (Metropolitan Shopping Center)

(i) The Metropolitan Shopping Center is intended to serve a community of neighborhoods. Tenants are intended to be retail and service oriented establishments; such as a department store, specialty store, discount store and variety store.

(ii) The major tenant space shall not exceed a maximum of 90,000 square feet gross floor area and not more than two major tenants shall be permitted; no single tenant space other than those permitted above shall exceed 60,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area provided, however, no B-2C shopping center shall exceed 327,000 square feet of gross floor area of enclosed space regardless of overall site size.

(iii) Permitted uses include all B-2B uses and additionally hotels, motels, private lodges or clubs.

e. B-2D (Regional Shopping Center)

(i) The regional shopping center provides complete comparison and competitive shopping. The center's drawing power stems from a wide variety of retail goods and services as well as a number of large traffic generators including one or more department stores. Tenant space size is unlimited as well as the number of tenants allowed. Building coverage shall not exceed 25% of the net site area, although overall site size is not limited.

(ii) Permitted uses include all B-2C uses and additionally bowling alleys, and arcades.

(3) Exceptions to Subdistrict Requirements

a. The Plan Commission, to enhance a degree of flexibility in shopping center development, may grant requests for exceptions to the subdistrict requirements as set forth in Section 33-14, F, (3); provided however, the Commission may not waive the 25% maximum site coverage by buildings or the maximum gross floor area of enclosed space for the entire center as set forth for each subdistrict. Exceptions may only be granted after the request has been reviewed at a public hearing, which hearing may be held in conjunction with a request for development plan approval, and if the Commission finds that:

(i) The intent and spirit of the requirements of this ordinance, as they relate to the zoning subdistrict are met; and

(ii) The exception is not contrary to the public interest; and

(iii) The intent of the Fort Wayne Comprehensive Plan as it relates to commercial policies, is met.

(4) Submission Procedures and Requirements

a. The reclassification of real estate to a B-2 shopping center designation shall be processed in the same manner as any other petition for rezoning, except that the following additional data must be submitted together with the petition for rezoning:

(i) A generalized sketch plan of the site;

(ii) A traffic survey of adjacent streets and highways including existing traffic counts and the anticipated additional traffic generation created as a result of the proposed development;

(iii) The shopping center's expected trade area as well as existing and proposed population within this area.

(5) Prior to the issuance of an Improvements Location Permit for a B-2 shopping center, the Plan Commission shall have approved a preliminary and final development plan. The submission requirements and the procedures required to obtain development plan approval are set forth in the following sections of this ordinance.

(6) Development Plan Procedure

a. Prior to the issuance of an Improvement Location Permit for any B-2 District, a development plan is required. The Commission shall have approved a preliminary and final development plan in accordance with this ordinance and the City of Fort Wayne Comprehensive Plan. A preliminary and final development plan may be scheduled for the same public hearing; however, all submission requirements for each respective plan must be met. A petition for rezoning of a parcel of real estate and a preliminary development plan for the same real estate may be reviewed at the same public hearing, however, a final development plan requires a separate public hearing.

b. Pre-application Discussion

(i) A pre-application discussion between staff and developer is recommended at least fifteen (15) days prior to formal application for development plan approval.

c. The purpose of the pre-application discussion is as follows:

(i) To acquaint the applicant with the standards and requirements of all applicable Ordinances;

(ii) To review the intent of the various procedures and submission requirements;

(iii) To familiarize the applicant with any inherent limiting characteristic of the specific site or surrounding areas;

(iv) To reduce the time period between initial application and Commission approval.

7. Application

a. The application, submitted on Plan Commission forms, shall be for preliminary approval of an entire tract or a final approval for all or a portion of a site previously approved in preliminary form.

b. Said application shall be accompanied by:

(i) A tracing or reproducible copy of the development plan;

(ii) 10 copies of the development plan and legal description.

8. Development Plan Submission Requirements

a. Preliminary and/or final development plans shall be submitted and accompanied by an application on forms prescribed by the Plan Commission, complete with the signature of 100% of the owners of record of the tract involved, and shall have been prepared in accordance with the provisions of this Ordinance as well as the recommendations of the pre-application discussion. After approval of the Preliminary Development Plan is granted by the Commission, any amendments thereto made prior to Final Development Plan approval by the Commission shall be shown on a form prescribed by the Commission and shall contain the signature of the original developers (or successors to the original developers) and need not contain signatures of all real property owners within the development. After Final Development Plan approval is granted by the Commission, then any further amendments thereto shall be shown on a form prescribed by the Commission and shall contain the signatures of all owners of record of the real estate contained in the development.

b. If the Commission finds that the development does not comply with the requirements of this Chapter, and is not susceptible of alteration, change or amendment to meet such requirements, the Commission will disapprove same.

c. Within 180 days after approval of the preliminary plan developer shall file final plan, which shall be acted upon by the Commission within sixty (60) days after filing.

9. Site Plan Requirements - Preliminary

The preliminary site plan shall include the following information:

- a. Date, scale, north point, name and address of designer and/or engineer, name and address of developer, and proposed name of the development;
- b. Number and type of structures, parcel size, proposed lot coverage of buildings and structures;
- c. A legal description of the total site as well as dimensions of the boundaries of the tract, including bearings and distances, measured from a section corner.
- d. The existing site conditions including contours at 2' intervals, water courses and drainageways, flood plain elevations, wooded areas, and other unique natural features;
- e. The location, minimum size and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open space;
- f. The existing and proposed vehicular circulation system, including right-of-ways widths and driving surface widths of streets, off-street parking areas, services areas, loading areas, street names, intersection radii, street dedications, and points of access to public right-of-way, where applicable;
- g. The existing and proposed pedestrian circulation system, including links with the public transit system;
- h. The proposed treatment of the perimeter of the site; including materials and techniques to be used such as screens, fences, walls, and landscaping;
- i. Proposed lighting (controls and lumens).

The above information must be submitted for all of the Site included in the application. Applications can be reviewed only for those areas for which all required submission data has been presented.

10. Site Plan Requirements - Final

- a. The final development plan shall be submitted to the Commission in the form of an original mylar or similar material drawn in ink and shall be a complete and accurate layout of the project and shall contain all additions, corrections, and deletions required by the Commission and shall include the following:
 - (i) Date, scale (graphic and written), north point, name and address of the designer and/or engineer, name and address of the developer of the tract, name of development;
 - (ii) Dimensions of the boundaries of the tract including bearings and distances and the exact location of all existing and recorded streets intersecting the boundary of the tract;

(iii) Section or reserve line or other legal points of reference and distances to same;

(iv) Building lines, lot lines, easement locations and dimensions;

(v) Streets-plans, profiles, cross-sections and names, location and geometrics for entrance onto public right-of-way including acceleration-deceleration and passing lanes, dedication documents when applicable;

(vi) Pedestrian walkways-plans and cross-sections;

(vii) Easements such as pedestrian, utility, drainage, etc.;

(viii) Sanitary, Storm Sewer and Water Lines - plans and profiles, water line plans; Storm Drainage Plans;

(ix) Parking area - plans, cross-sections, and landscaping details;

(x) The length of all arcs and radii, central angles, internal angles, points of curvature and tangency, the length of all tangents, intersection radii and right-of-way widths;

(xi) Lighting plan including areas to be lighted, the type of fixtures to be used, and the lighting intensity level for all areas to be lighted, when required;

(xii) Landscape plans including the location of all landscape materials and elements. This requirement is waived in those areas used for single family residential purposes;

(xiii) Other technical or statistical data which may be reasonably required by the Plan Commission;

(xiv) Performance Bond with a surety agreeable to the Commission running to the City in an amount sufficient to complete installations and improvements, guaranteeing completion by a specified date.

b. Letters of comment from the following:

(i) City Street Engineering

(ii) City Water Pollution Control Engineering

(iii) City Water Engineering

(iv) City Street Light Engineering

(v) City Traffic Engineering

(vi) City Fire Department

(vii) City/County Board of Health - where applicable

(viii) City Inspection Division

(ix) County Surveyor

(x) Public Transportation Corporation

11. Issuance of Permits

The Zoning Enforcement Officer shall issue an Improvement Location Permit for a shopping center as herein defined only following receipt of notice from the Plan Commission that the final development plan has been approved by the Plan Commission.

12. Construction of Improvement under permit:

Revocation of Permit: Any person to whom is issued an Improvement Location Permit pursuant to Subsection (4) above, who fails to commence construction of the shopping center within twenty-four (24) months after such permit is issued or who fails to carry to completion thirty (30) percent of the total buildings as authorized by said permit within three (3) years after said permit is issued, or within one (1) year after such construction is begun, whichever is later, or has not completed at least sixty (60) percent of the total buildings within five (5) years, shall be subject to the following:

a. If after public hearing the Commission finds that work has not been commenced or completed on the shopping center as required by the foregoing paragraph the Improvement Location Permit shall be revoked by the Commission; provided however, if at this public hearing or at subsequent public hearings, the Commission finds that there is sufficient justification for the failure to commence or complete this work, the Commission at each such hearing may extend the time allowed for such commencement or completion for periods not to exceed six (6) months.

b. If the plan is not completed as required by this Subsection, failure to complete said plan shall be considered a breach of the zoning laws and subject to the penalty called for in Chapter 33, Section 25 A - B - C.

c. The Commission, may after investigation, seek to enjoin the operation of said shopping center if a substantial compliance with said plan has not been achieved in the time limit as herein set forth.

13. Permits:

a. Amendments to Development Plan:

(i) The holder of a shopping center district Improvement Location Permit may apply to the Commission at any time for an alteration, change amendment or extension of the development plan upon which such permit is based.

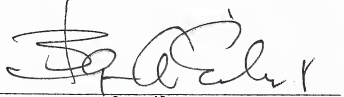
(ii) If an application shows that additional land is to be improved or used in connection with such shopping center permit, then the Commission shall proceed as in the case of original application for a shopping center Improvement Location Permit.

(iii) If no additional land is embraced in the application for alteration, change, amendment or extension, then the Commission shall be empowered to pass on such matters without requiring a public hearing thereon.

(iv) In the event the Commission shall approve and order such development plan changed, altered, amended or extended, it shall so notify the Zoning Enforcement Officer, and he/she shall issue an amended Improvement Location Permit accordingly.


SECTION 3. If any section, clause, sentence part or paragraph of this Ordinance shall be declared invalid, it shall not affect the legality of the remainder or other parts of this ordinance.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.



Councilman

APPROVED AS TO FORM AND
LEGALITY APRIL , 1980.



JOHN E. HOFFMAN
City Attorney

Read the first time in full and on motion by Eustach,
seconded by Allen, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on 5-13-80, the 19 day of May,
at 5 o'clock M., E.S.T.

DATE: 5-13-80

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by Eustach,
seconded by Allen, and duly adopted, placed on its
passage. PASSED (~~LEST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	<u>X</u>				
EISBART	<u>X</u>				
GIAQUINTA	<u>X</u>				
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
SCHOMBURG	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 7-22-80

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (~~ZONING MAP~~) (GENERAL) (ANNEXATION) (SPECIAL)
(APPROPRIATION) ORDINANCE (~~RESOLUTION~~) No. 89-12-80
on the 22nd day of July, 19 80.

ATTEST:
Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)
Vivian G. Schmidt
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 23rd day of July, 19 80, at the hour of
5 o'clock P., E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 29th day of July
19 80, at the hour of 2 o'clock P., E.S.T.

Winfield C. Moses, Jr.
WINFIELD C. MOSES, JR.
MAYOR

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATE: _____

CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by D. Rehnert, seconded by Burns, and duly adopted, placed on its passage. PASSED (Lost) by the following vote:

(111) be deleted - & refer to plan for D. Commission for recommendation

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>5</u>	<u>4</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	_____	_____	_____	_____
<u>EISBART</u>	_____	<u>X</u>	_____	_____	_____
<u>GIAQUINTA</u>	_____	<u>X</u>	_____	_____	_____
<u>NUCKOLS</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>X</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHOMBURG</u>	<u>X</u>	_____	_____	_____	_____
<u>STIER</u>	_____	<u>X</u>	_____	_____	_____
<u>TALARICO</u>	<u>X</u>	_____	_____	_____	_____

DATE: _____

CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19____.

ATTEST: (SEAL)

CHARLES W. WESTERMAN - CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____, at the hour of _____ o'clock _____ M., E.S.T.

CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this _____ day of 19____, at the hour of _____ o'clock _____ M., E.S.T.

WINFIELD C. MOSES, JR.
MAYOR

16th of August.

SHOPPING CENTER ORDINANCE REVISION

Page (4) Submission Procedures and Requirements

Amend 2 to read:

2. The reclassification of real estate to a B-2 Shopping Center designation shall be processed in the same manner as any other petition for rezoning, except that the following additional data must be submitted by the petitioner as part of the petition for rezoning. The City Plan Commission staff shall use this information, in part, to prepare written comments for consideration by the Commission.

Page (4) Submission Procedures and Requirements

Amend subparagraph (iii) to read:

- (iii) The effect of the shopping center on the expected trade area as well as existing and proposed population, physical growth patterns, and fiscal impact.

Bar Eibart

(3) Exceptions to Subdistrict Requirements

a. The Plan Commission, to enhance a degree of flexibility in shopping center development, may grant requests for exceptions to the subdistrict requirements as set forth in Section 33-14, F, (3); provided however, the Commission may not waive the 25% maximum site coverage by buildings or the maximum gross floor area of enclosed space for the entire center as set forth for each subdistrict. Exceptions may only be granted after the request has been reviewed at a public hearing, which hearing may be held in conjunction with a request for development plan approval, and if the Commission finds that:

(i) The intent and spirit of the requirements of this ordinance, as they relate to the zoning subdistrict are met; and,

(ii) The exception is not contrary to the public interest; and

(iii) The intent of the Fort Wayne Comprehensive Plan as it relates to commercial policies, is met.

✓ (4) Submission Procedures and Requirements

a. The reclassification of real estate to a B-2 shopping center designation shall be processed in the same manner as any other petition for rezoning, except that the following additional data must be submitted together with the petition for rezoning:

(i) A generalized sketch plan of the site;

(ii) A traffic survey of adjacent streets and highways including existing traffic counts and the anticipated additional traffic generation created as a result of the proposed development;

(iii) The shopping center's expected trade area as well as existing and proposed population within this area.

(5) Prior to the issuance of an Improvement Location Permit for a B-2 shopping center, the Plan Commission shall have approved a preliminary and final development plan. The submission requirements and the procedures required to obtain development plan approval are set forth in the following sections of this ordinance.

(6) Development Plan Procedure

a. Prior to the issuance of an Improvement Location Permit for any B-2 District, a development plan is required. The Commission shall have approved a preliminary and final development plan in accordance with this ordinance and the City of Fort Wayne Comprehensive Plan. A preliminary and final development plan may be scheduled for the same public hearing; however, all submission requirements for each respective plan must be met. A petition for rezoning of a parcel of real estate and a preliminary development plan for the same real estate may be reviewed at the same public hearing, however, a final development plan requires a separate public hearing.

1 BILL NO. G-80-05-13 (AS AMENDED)

2 GENERAL ORDINANCE NO. G-80-_____

3
4 AN ORDINANCE amending Chapter 33 of the
5 Code of the City of Fort Wayne, Indiana,
6 1974.

7 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
8 INDIANA:

9 SECTION 1. Section 33-9 of the Code of the City of Fort Wayne,
10 Indiana, 1974, be amended to read as follows: Section 33-9. Establishment
11 and Designation. For the purpose of this chapter the City is hereby divided
12 and classified into eighteen (18) districts designated as follows:

13 Designation, R1, One Family Residence District

14 Designation, R2, Two Family Residence District

15 Designation, R3, Multiple Family Residence District

16 Designation, RA, Residence District A

17 Designation, RB, Residence District B

18 Designation, B1A, Limited Business District

19 Designation, B1B, Limited Business District

20 Designation, B2, Planned Shopping Center

21 Designation, B3A, General Business District A

22 Designation, B3B, General Business District B

23 Designation, B4, Roadside Business District

24 Designation, M1, Light Industrial District

25 Designation, M2, General Industrial District

26 Designation, M3, Heavy Industrial District

27 Designation, IA, Interchange Access Center District

28 Designation, MHP, Mobile Home Park

29 Historical District

30 Flood Plain District

31 The above districts and their respective boundaries are hereby established
32 as shown by the symbols on the map entitled, "City of Fort Wayne Zoning

lodges, telephone exchanges, electrical substations, animal hospitals, kennels, taverns and bars, masseur salons, automobile washing stations, bowling alleys, billiard or pool hall.

c. B-2B (Community Shopping Center)

(i) The community shopping center, in addition to serving the function of a neighborhood shopping center, may provide access to a greater variety of merchandise and services. Tenants within this center are similar in character to those stores found within a neighborhood center.

(ii) A major tenant space shall not exceed a maximum of 60,000 square feet of gross floor area and not more than one major tenant shall be permitted; however, in lieu of this requirement there may be two major tenants permitted with a limit per tenant not to exceed 45,000 square feet of gross floor area. No single tenant space other than those permitted above shall exceed 40,000 square feet gross floor area. Building coverage shall not exceed 25% of the net site area; provided however, no B-2B shopping center shall exceed 218,000 square feet of gross floor area of enclosed space regardless of overall site size.

(iii) Permitted uses include all B-2A uses and B-1A and B-1B uses.

d. B-2C (Metropolitan Shopping Center)

(i) The Metropolitan Shopping Center is intended to serve a community of neighborhoods. Tenants are intended to be retail and service oriented establishments; such as department store, specialty store, discount store and variety store.

(ii) The major tenant space shall not exceed a maximum of 90,000 square feet gross floor area and not more than two major tenants shall be permitted; no single tenant space other than those permitted above shall exceed 60,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area provided, however, no B-2C shopping center shall exceed 327,000 square feet of gross floor area of enclosed space regardless of overall site size.

(iii) Permitted uses include all B-2B uses and additionally hotels, motels, private lodges or clubs.

e. B-2D (Regional Shopping Center)

(i) The regional shopping center provides complete comparison and competitive shopping. The center's drawing power stems from a wide variety of retail goods and services as well as a number of large traffic generators including one or more department stores. Tenant space size is unlimited as well as the number of tenants allowed. Building coverage shall not exceed 25% of the net site area, although overall site size is not limited.

(ii) Permitted uses include all B-2C uses and additionally bowling alleys, and arcades.

Map", dated September 16, 1969, which is on file in the Office of the Plan Commission which map and all explanatory matter thereon by reference is incorporated herein and made a part hereof.

SECTION 2. Section 33-14 of the Code of the City of Fort Wayne, Indiana, 1974, be amended by deleting the existing Section 33-14 F in its entirety and inserting a new Section 33-14 F as follows:

F. B-2 District - Planned Shopping Center

(1) Application

This ordinance shall apply to all existing Regional and Neighborhood Shopping Centers and all future B2A (Neighborhood Shopping Center), B2B (Community Shopping Center), and B2C (Metropolitan Shopping Center), B2D (Regional Shopping Center)

(2) Purpose

The B-2 (Planned Shopping) District is established in order to encourage the provision of adequate commercial facilities at an appropriate location and of an appropriate design, scale and intensity which will create a harmonious and functional relationship with the immediate surroundings and community. In reviewing the proposed B-2 District the Commission will consider the nature of the proposed use, the total size of the proposed project and the composition of all existing development and zoning in the vicinity of the proposed B-2 District. Traffic generation, both pedestrian and vehicular, and its impact on surrounding streets and highways will also be of major importance in the Commission's review process. Each proposed shopping center as well as expansion of existing centers will be evaluated in accordance with the goals and objectives of the Comprehensive Plan. The B-2 District is not intended to be utilized by a single business or use, but rather should be a harmonious arrangement of different establishments or businesses that will serve the community.

(3) Sub-Districts and Permitted Uses

a. Prior to tracts of real estate being developed as Planned Shopping Centers, the subject real estate shall be rezoned to a specific B-2 Sub-District and be subject to the requirements of that sub-district.

b. B-2A (Neighborhood Shopping Center)

(i) The neighborhood shopping center shall be designated with the intent of serving the surrounding residential neighborhoods by providing goods and services that meet day-to-day needs. Tenants typically found within this center include grocery and drug stores. A major tenant space shall not exceed a maximum of 30,000 square feet of gross floor area and no more than two major tenants shall be permitted; no single tenant space other than those permitted above shall exceed 20,000 square feet of gross floor area. Building coverage shall not exceed 25% of the net site area; provided however, no B2A shopping center shall exceed 109,000 square feet of gross floor area of enclosed space regardless of overall site size.

(ii) Permitted uses shall include all B1A and B1B uses except residences, hotels, motels, private clubs or

(3) Exceptions to Subdistrict Requirements

a. The Plan Commission, to enhance a degree of flexibility in shopping center development, may grant requests for exceptions to the subdistrict requirements as set forth in Section 33-14, F, (3); provided however, the Commission may not waive the 25% maximum site coverage by buildings or the maximum gross floor area of enclosed space for the entire center as set forth for each subdistrict. Exceptions may only be granted after the request has been reviewed at a public hearing, which hearing may be held in conjunction with a request for development plan approval, and if the Commission finds that:

(i) The intent and spirit of the requirements of this ordinance, as they relate to the zoning subdistrict are met; and,

(ii) The exception is not contrary to the public interest; and

(iii) The intent of the Fort Wayne Comprehensive Plan as it relates to commercial policies, is met.

(4) Submission Procedures and Requirements

a. The reclassification of real estate to a B-2 shopping center designation shall be processed in the same manner as any other petition for rezoning, except that the following additional data must be submitted together with the petition for rezoning:

(i) A generalized sketch plan of the site;

(ii) A traffic survey of adjacent streets and highways including existing traffic counts and the anticipated additional traffic generation created as a result of the proposed development;

(iii) The shopping center's expected trade area as well as existing and proposed population within this area.

(5) Prior to the issuance of an Improvement Location Permit for a B-2 shopping center, the Plan Commission shall have approved a preliminary and final development plan. The submission requirements and the procedures required to obtain development plan approval are set forth in the following sections of this ordinance.

(6) Development Plan Procedure

a. Prior to the issuance of an Improvement Location Permit for any B-2 District, a development plan is required. The Commission shall have approved a preliminary and final development plan in accordance with this ordinance and the City of Fort Wayne Comprehensive Plan. A preliminary and final development plan may be scheduled for the same public hearing; however, all submission requirements for each respective plan must be met. A petition for rezoning of a parcel of real estate and a preliminary development plan for the same real estate may be reviewed at the same public hearing, however, a final development plan requires a separate public hearing.

b. Pre-application Discussion

(i) A pre-application discussion between staff and developer is recommended at least fifteen (15) days prior to formal application for development plan approval.

c. The purpose of the pre-application discussion is as follows:

(i) To acquaint the applicant with the standards and requirements of all applicable Ordinances;

(ii) To review the intent of the various procedures and submission requirements;

(iii) To familiarize the applicant with any inherent limiting characteristic of the specific site or surrounding areas;

(iv) To reduce the time period between initial application and Commission approval.

(7) Application

a. The application, submitted on Plan Commission form, shall be for preliminary approval of an entire tract or a final approval for all or a portion of a site previously approved in preliminary form.

b. Said application shall be accompanied by:

(i) A tracing or reproducible copy of the development plan;

(ii) 10 copies of the development plan and legal description.

(8) Development Plan Submission Requirements

a. Preliminary and/or final development plans shall be submitted and accompanied by an application on forms prescribed by the Plan Commission, complete with the signature of 100% of the owners of record of the tract involved, and shall have been prepared in accordance with the provisions of this Ordinance as well as the recommendations of the pre-application discussion. After approval of the Preliminary Development Plan is granted by the Commission, any amendments thereto made prior to Final Development Plan approval by the Commission shall be shown on a form prescribed by the Commission and shall contain the signature of the original developers (or successors to the original developers) and need not contain signatures of all real property owners within the development. After Final Development Plan approval is granted by the Commission, then any further amendments thereto shall be shown on a form prescribed by the Commission and shall contain the signatures of all owners of record of the real estate contained in the development.

b. If the Commission finds that the development does not comply with the requirements of this Chapter, and is not susceptible of alteration, change or amendment to meet such requirements, the Commission will disapprove same.

c. Within one (1) year after approval of the preliminary plan developer shall file final plan, which shall be acted upon by the Commission within sixty (60) days after filing.

(9) Site Plan Requirements - Preliminary

The preliminary site plan shall include the following information:

- a. Date, scale, north point, name and address of designer and/or engineer, name and address of developer, and proposed name of the development;
- b. Number and type of structures, parcel size, proposed lot coverage of buildings and structures;
- c. A legal description of the total site as well as dimensions of the boundaries of the tract, including bearings and distances, measured from a section corner.
- d. The existing site conditions including contours at 2' intervals, water courses and drainageways, flood plain elevations, wooded areas, and other unique natural features;
- e. The location, minimum size and configuration of areas to be conveyed, dedicated, or otherwise reserved as common open space;
- f. The existing and proposed vehicular circulation system, including right-of-ways widths and driving surface widths of streets, off-street parking areas, services areas, loading areas, street names, intersection radii, street dedications, and points of access to public right-of-way, where applicable;
- g. The existing and proposed pedestrian circulation system, including links with the public transit system;
- h. The proposed treatment of the perimeter of the site; including materials and techniques to be used such as screens, fences, walls, and landscaping;
- i. Proposed lighting (controls and lumens).

The above information must be submitted for all of the Site included in the application. Applications can be reviewed only for those areas for which all required submission data has been presented.

(10) Site Plan Requirements - Final

- a. The final development plan shall be submitted to the Commission in the form of an original mylar or similar material drawn in ink and shall be a complete and accurate layout of the project and shall contain all additions, corrections, and deletions required by the Commission and shall include the following:
 - (i) Date, scale (graphic and written), north point, name and address of the designer and/or engineer, name and address of the developer of the tract, name of development;
 - (ii) Dimensions of the boundaries of the tract including bearings and distances and the exact location of all existing and recorded streets intersecting the boundary of the tract;

(iii) Section or reserve line or other legal points of reference and distances to same;

(iv) Building lines, lot lines, easement locations and dimensions;

(v) Streets-plans, profiles, cross-sections and names, location and geometrics for entrance onto public right-of-way including acceleration-deceleration and passing lanes, dedication documents when applicable;

(vi) Pedestrian walkways-plans and cross-sections;

(vii) Easements such as pedestrian, utility, drainage, etc.;

(viii) Sanitary, Storm Sewer and Water Lines - plans and profiles, water line plans; Storm Drainage Plans;

(ix) Parking area - plans, cross-sections, and landscaping details;

(x) The length of all arcs and radii, central angles, internal angles, points of curvature and tangency, the length of all tangents, intersection radii and right-of-way widths;

(xi) Lighting plan including areas to be lighted, the type of fixtures to be used, and the lighting intensity level for all areas to be lighted, when required;

(xii) Landscape plans including the location of all landscape materials and elements. This requirement is waived in those areas used for single family residential purposes;

(xiii) Other technical or statistical data which may be reasonably required by the Plan Commission;

b. Letters of comment from the following:

(i) City Street Engineering

(ii) City Water Pollution Control Engineering

(iii) City Water Engineering

(iv) City Street Light Engineering

(v) City Traffic Engineering

(vi) City Fire Department

(vii) City/County Board of Health - where applicable

(viii) City Inspection Division

(ix) County Surveyor

(x) Public Transportation Corporation

(11) Issuance of Permits

The Zoning Enforcement Officer shall issue an Improvement Location Permit for a shopping center as herein defined only following receipt of notice from the Plan Commission that the final development plan has been approved by the Plan Commission.

(12) Construction of Improvement under permit:

Revocation of Permit: Any person to whom is issued an Improvement Location Permit pursuant to Subsection (4) above, who fails to commence construction of the shopping center within thirty-six (36) months after such permit is issued or who fails to carry to completion thirty (30) percent of the total buildings as authorized by said permit within four (4) years after said permit is issued, or within two (2) years after such construction is begun whichever is later, or has not completed at least sixty (60) percent of the total buildings within six (6) years, shall be subject to the following:

a. If after public hearing the Commission finds that work has not been commenced or completed on the shopping center as required by the foregoing paragraph the Improvement Location Permit shall be revoked by the Commission; provided however, if at this public hearing or at subsequent public hearings, the Commission finds that there is sufficient justification for the failure to commence or complete this work, the Commission at each such hearing may extend the time allowed for such commencement or completion for periods not to exceed six (6) months.

b. If the plan is not completed as required by this Subsection, failure to complete said plan shall be considered a breach of the zoning laws and subject to the penalty called for in Chapter 33, Section 25 A - B - C.

c. The Commission, may after investigation, seek to enjoin the operation of said shopping center if a substantial compliance with said plan has not been achieved in the time limit as herein set forth.

(13) Permits:

a. Amendments to Development Plan:

(i) The holder of a shopping center district Improvement Location Permit may apply to the Commission at any time for an alteration, change amendment or extension of the development plan upon which such permit is based.

(ii) If an application shows that additional land is to be improved or used in connection with such shopping center permit, then the Commission shall proceed as in the case of original application for a shopping center Improvement Location Permit.

(iii) If no additional land is embraced in the application for alteration, change, amendment or extension, then the Commission shall be empowered to pass on such matters without requiring a public hearing thereon.

(iv) In the event the Commission shall approve and order such development plan changed, altered, amended or extended, it shall so notify the Zoning Enforcement Officer, and he/she shall issue an amended Improvement Location Permit accordingly.

SECTION 3. If any section, clause, sentence part or paragraph of this Ordinance shall be declared invalid, it shall not affect the legality of the remainder or other parts of this Ordinance.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

Councilmember

APPROVED AS TO FORM AND
LEGALITY

John E. Hoffman
City Attorney

BILL NO. _____

G-80-05-13 (AS AMENDED)

(as amended) (as amended)

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN
ORDINANCE amending Chapter 33 of the Code of the City of Fort
Wayne, Indiana, 1974

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

72280
DATE _____

CONCURRED IN

CHARLES W. WESTERMAN, CITY CLERK

DIGEST SHEET

(discontinued) (to amended) (to amended)

B-80-05-13

TITLE OF ORDINANCE Zoning Ordinance Amendment - "B-2 District-Planned Shopping Center"

DEPARTMENT REQUESTING ORDINANCE Community Development & Planning

SYNOPSIS OF ORDINANCE This amendment will replace present Shopping Center
concept in its entirety. The new ordinance will permit shopping centers
by size into four (4) separate categories beginning with small neighborhood
centers and ending with regional centers.

EFFECT OF PASSAGE Repeals existing shopping center symbol zoning concept.

EFFECT OF NON-PASSAGE Present shopping center procedures would remain
in effect.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) None

ASSIGNED TO COMMITTEE (J.N.) _____



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

2 July 1980

Members of the Common Council
City of Fort Wayne
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached are amendments to Bill No. G-80-05-13 (Shopping Center Ordinance). These amendments were approved by the City Plan Commission at their regular meeting held June 23, 1980 and the ordinance was given a DO PASS recommendation.

If there are any questions with regard to this ordinance, please feel free to call this office.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING

Gary F. Baeten
Senior Planner

GFB:pb

Attachment

AMENDMENTS TO THE SHOPPING CENTER ORDINANCE
APPROVED JUNE 23, 1980

1. Amend Page 3 - Section 2. Subsection (3) Sub-Districts and Permitted Uses
Item : c. B-2B (Community Shopping Centers - (ii))

Typographical error corrected, correction is in italics:

(ii) A major tenant space shall not exceed a maximum of 60,000 square feet of gross floor area and not more than one major tenant shall be permitted; however, in lieu of this requirement there may be two major tenants permitted with a limit per tenant not to exceed 45,000 square feet of gross floor area. *No single tenant space other than those permitted above shall exceed 40,000 square feet gross floor area.* Building coverage shall not exceed 25% of the net site area; provided however, no B-2B shopping center shall exceed 218,000 square feet of gross floor area of enclosed space regardless of overall site size.

2. Amend page 5, Section 8, "Development Plan Submission Requirements, Sub-section "c" to read:
 - c. Within one (1) year after approval of the preliminary plan developer shall file final plan, which shall be acted upon by the Commission within sixty (60) days after filing.
3. Amend page 7, Section 10, "Site Plan Requirements-Final, Sub-section (xiv) by deleting this sub-section in its entirety.
4. Amend page 8, Section 12, "Construction of Improvement Under Permit" to read:

"Revocation of Permit: Any person to whom is issued an Improvement Location Permit pursuant to Subsection (4) above, who fails to commence construction of the shopping center within thirty-six (36) months after such permit is issued or who fails to carry to completion thirty (30) percent of the total buildings as authorized by said permit within four (4) years after said permit is issued, or within two (2) years after such construction is begun, whichever is later, or has not completed at least sixty (60) percent of the total buildings within six (6) years, shall be subject to the following:"

LEGAL NOTICE

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) General Ordinance No. G-12-80, being AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974 (Shopping Center Ordinance)

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-07-20 (AS AMENDED) -- General Ordinance No. G-14-80, being AN ORDINANCE amending Chapter 24 of the Code of the City of Fort Wayne, Indiana of 1974 (SEWERS AND SEWERAGE SYSTEM)

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) -- General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) -- General Ordinance No. G-14-80, were duly passed by the Common Council on the 22nd day of July, 1980, said Ordinances were duly signed and approved by the Mayor on the 29th day of July, 1980, and now remains on file and on record in my office.

Copy of Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) -- General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) -- General Ordinance No. G-14-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana.

- (1) The main floor lobby of the City-County Building
- (2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library
- (3) The bulletin board in the lobby at the East door of the Allen County Court House

Copy of Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) -- General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) -- General Ordinance No. G-14-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana

- (1) Reference Room in the north end of the main floor in said Downtown Public Library
- (2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana


Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on August 4 and August 11, 1980


Charles W. Westerman
City Clerk



OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -:- room 122

July 31, 1980

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of
August 4 and August 11, 1980, in both the News Sentinel
and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-80-07-20
(as amended) (as
amended) (as amended)
General Ordinance No. G-14-80
(Shopping Center Ordinance)

Bill No. G-80-07-20
(as amended)
(Sewers and Sewerage System)

Please send us (8) eight copies of the Publishers
Affidavit from both newspapers.

Thank you.

Sincerely,

Charles W. Westerman
City Clerk

CWW/ne
ENCL: 1

Fort Wayne Common Council

(Governmental Unit)

To NEWS-SENTINEL Dr.Allen

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines _____

Head number of lines _____

Body number of lines 76Tail number of lines 2Total number of lines in notice 78**COMPUTATION OF CHARGES**

78 lines, 1 columns wide equals 78 equivalent lines at .253¢ \$ 19.73
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount) _____

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extraTOTAL AMOUNT OF CLAIM. \$ 22.73**DATA FOR COMPUTING COST**Width of single column 9.6 picasSize of type 6 pointSize of quad upon which type is cast 6

Pursuant

I hereby
has been

Date

Ch. 89., Acts 1967.

is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

D. Roose
Title CLERK

PUBLISHER'S AFFIDAVITState of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. Roose who, being duly sworn, says that she is CLERK of the

NEWS-SENTINEL**DAILY**a NEWS-SENTINEL newspaper of general circulation printed and publishedin the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

8/4 - 8/11/80

Subscribed and sworn to before me this

11thAugust80September 28, 1983

Notary Public

My commission expires

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) General Ordinance No. G-12-80, being AN ORDINANCE amending Chapter 23 of the Code of the City of Fort Wayne, Indiana, 1974 (Shopping Center Ordinance).
Notice is hereby given that on the 22nd day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-07-20 (AS AMENDED) - General Ordinance No. G-14-80, being AN ORDINANCE amending Chapter 24 of the Code of the City of Fort Wayne, Indiana, 1974 (SEWERS AND SEWERAGE SYSTEM).

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) - General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) - General Ordinance No. G-14-80, were duly passed by the Common Council on the 22nd day of July, 1980, said Ordinances were duly signed and approved by the Mayor on the 27th day of July, 1980, and now remains on file and on record in my office.

Copy of Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) - General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) - General Ordinance No. G-14-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City County Building.
(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library.

(3) The bulletin board in the lobby at the East door of the Allen County Court House.

Copy of Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) - General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) - General Ordinance No. G-14-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) Reference Room in the north end of the main floor in said Downtown Public Library.

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 121, City County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above ordinances in the designated places as stated on August 4 and August 11, 1980.

CHARLES W. WESTERMAN
City Clerk
B-4-11

Port Wayne Common Council

(Governmental Unit)

To **NEWS-SENTINEL** Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

76**2****78****COMPUTATION OF CHARGES**

78 lines, **1** columns wide equals **78** equivalent lines at **.253¢** **\$ 19.73**
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

6 extra**3.00**

TOTAL AMOUNT OF CLAIM.

\$ 22.73**DATA FOR COMPUTING COST**

Width of single column 9.6 picas

Size of type **6** pointNumber of insertions **2**Size of quad upon which type is cast **6**

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date **Aug. 11 19 80**Title **CLERK****PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS.

Personally appeared before me, a notary public in and for said county and state, the undersigned, **D. P. ROOSE**, who, being duly sworn, says that she is **CLERK** of the

NEWS-SENTINEL**DAILY**

a newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** town of

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times**, the dates of publication being as follows:

8/4 - 8/11/80

Subscribed and sworn to before me this

11th

day of

August**80**

My commission expires

September 28, 1983

Notary Public

Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on August 4 and August 11, 1980.

CHARLES W. WESTERMAN
City Clerk

Fort Wayne Common Council

(Governmental Unit)

To JOURNAL-GAZETTE Dr.**Allen**

County, Ind.

FORT WAYNE, INDIANA**PUBLISHER'S CLAIM****LINE COUNT**

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

76**2****78****COMPUTATION OF CHARGES****78****1****78****.253¢****\$ 19.73**

lines, cents per line

columns wide equals

equivalent lines at

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

6 extra**3.00**

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM.**\$ 22.73****DATA FOR COMPUTING COST**

Width of single column 9.6 picas

Size of type.....⁶.....pointNumber of insertions **2**Size of quad upon which type is cast ⁶.....

Pursuant

I hereby has been

Date.....

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of Fort Wayne, Indiana, in Regular Session did pass the following Bill: No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) General Ordinance No. G-12-80, being AN ORDINANCE amending Chapter 33 of the Code of the City of Fort Wayne, Indiana, 1974 (Shopping Center Ordinance).

Notice is hereby given that on the 22nd day of July, 1980, the Common Council of the City of Fort Wayne, Indiana, in Regular Session did pass the following Bill No. G-80-07-20 (AS AMENDED) - General Ordinance No. G-14-80, being AN ORDINANCE amending Chapter 24 of the Code of the City of Fort Wayne, Indiana of 1974 (SEWERS AND SEWERAGE SYSTEM).

I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) - General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) - General Ordinance No. G-14-80, were duly passed by the Common Council on the 22nd day of July, 1980, said Ordinances were duly signed and approved by the Mayor on the 29th day of July, 1980, and now remains on file and on record in my office.

Copy of Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) - General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) - General Ordinance No. G-14-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor lobby of the City-County Building.

(2) The bulletin board in the lobby of the Down town Fort Wayne Public Library.

(3) The bulletin board in the lobby at the East door of the Allen County Court House.

Copy of Bill No. G-80-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) - General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) - General Ordinance No. G-14-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) Reference Room in the north end of the main floor in said Downtown Public Library.

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westernman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on August 4 and August 11, 1980.

CHARLES W. WESTERMAN,
City Clerk

Ch. 89, Acts 1967.

It is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

*Arvilla De Wald*Title..... **CLERK**.....**PUBLISHER'S AFFIDAVIT**State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned, **ARVILLA DEWALD**, who, being duly sworn, says that she is, **CLERK** of the

JOURNAL-GAZETTE
a **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** town

in state and county aforesaid, and that two true and correct copies of the original attached hereto is a true copy, which was duly published in said paper for **8/4 - 8/11/80**, the dates of publication being as follows:

8/ 4 - 8/11/80

Subscribed and sworn to before me this

11th August 1980*Arvilla De Wald*
*Harry J. O'Neil***September 28, 1983** Notary Public

My commission expires.....

To..... JOURNAL-GAZETTE Dr.....

FORT WAYNE, INDIANA

County, Ind.

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines

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Tail number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

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TOTAL AMOUNT OF CLAIM.

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast.....⁶

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Aug. 11 80

Title.....CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned.....**ARVILLA DEWALD**.....who, being duly sworn, says that she is.....**CLERK**.....of the

JOURNAL-GAZETTE
2. DAILY newspaper of general circulation printed and published
in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the principal matter attached hereto is a true copy, which was duly published in said paper for.....two times....., the dates of publication being as follows: 8/4 - 8/11/80

Subscribed and sworn to before me this

September 28, 1983 Notary Public

My commission expires

at the east door of the Allen County Court House.
Copy of Bill No. G-40-05-13 (AS AMENDED) (AS AMENDED) (AS AMENDED) — General Ordinance No. G-12-80 and Bill No. G-80-07-20 (AS AMENDED) — General Ordinance No. G-80-07-20 will be on file for reading in the following places in Fort Wayne, Allen County, Indiana: Reference Room will be on the second and of the main floor in said Downtown Public Library
(12) The Journals of the Common Council, Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City County Building, Fort Wayne, Indiana.

CHARLES W. WESTERMAN
City Clerk

I, Charles W. Westerman, County Clerk of the City of Fort Wayne, Indiana, have received and posted the above ordinance and the same shall be in effect as stated on August 4 and August 11, 1980.

CHARLES W. WESTERMAN,
City Clerk